

Message Text

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70

ACTION EA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 INR-05 PA-01 RSC-01 PRS-01

SP-02 CAB-02 COME-00 DOTE-00 EB-07 FAA-00 LAB-01

SIL-01 L-02 IO-10 /056 W

----- 110659

O P 260317Z NOV 74

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC IMMEDIATE 8633

INFO AMEMBASSY PARIS PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY LISBON PRIORITY

AMCONSUL HONG KONG PRIORITY

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E.O. 11652: N/A

TAGS: ELAB, TH

SUBJECT: AVIATION EMPLOYMENT DISPLACEMENT

1. THE RELATIVE PORTIONS OF THE RTG'S LABOR LAW AFFECTING
SEVERANCE PAY ARE AS FOLLOWS:

"AN EMPLOYER SHALL MAKE SEVERANCE PAY TO A TERMINATED
REGULAR EMPLOYEE AS FOLLOWS:

AT A RATE OF NOT LESS THAN HIS LAST WAGE RATE FOR

30 DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS
THAN THE AMOUNT OF WAGES RECEIVED DURING THE LAST 30 DAYS
OF A REGULAR EMPLOYEE WHO HAS COMPLETED 120 CONSECUTIVE
WORKING DAYS BUT LESS THAN ONE YEAR INCLUDING A HOLIDAY,
LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE
EMPLOYER.

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AT A RATE OF NOT LESS THAN HIS LAST WAGE RATE FOR 90

DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS THAN THE AMOUNT OF WAGES RECEIVED DURING THE LAST 90 DAYS OF A REGULAR EMPLOYEE WHO HAS COMPLETED ONE YEAR OF CONSECUTIVE WORK DAYS BUT LESS THAN 3 YEARS INCLUDING A HOLIDAY, LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE EMPLOYER.

AT A RATE OF NOT LESS THAN HIS LAST WAGES RATE FOR 180 DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS THAN THE AMOUNT OF WAGES RECEIVED DURING THE LAST 180 DAYS OF A REGULAR EMPLOYEE WHO HAS COMPLETED 3 YEARS OF CONSECUTIVE WORKING DAYS OR MORE INCLUDING A HOLIDAY, LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE EMPLOYER."

2. IN THE EMBASSY'S OPINION, THE PROVISIONS OF THE THAI LABOR LAW QUOTED ABOVE REQUIRE A FIRM, DISCONTINUING ITS OPERATIONS IN THAILAND, TO PAY SEVERANCE PAY TO ALL OF ITS EMPLOYEES NO MATTER WHAT THEIR NATIONALITY. THE EMBASSY IS UNAWARE OF ANY PROVISIONS IN THE LAW WHICH ALLOW FOR THE REDUCTION, OR TERMINATION ALTOGETHER, OF THE REQUIREMENT QUOTED ABOVE TO PAY SEVERANCE PAY.

3. SOME THAI NATIONAL EMPLOYEES OF TWA BELONG TO LABOR ORGANIZATIONS, BUT THE EMBASSY THINKS IT UNLIKELY THAT ANY AGREEMENT BETWEEN TWA AND THESE LABOR ORGANIZATIONS EXISTS GUARANTEEING SEVERANCE PAY BENEFITS TO EMPLOYEES IN EXCESS OF THE RTG LABOR LAW. SOME COMPANIES DOING BUSINESS IN THAILAND HAVE INSTITUTED A "PROVIDENT FUND" CONSISTING OF CONTRIBUTIONS BY THE EMPLOYER AND HIS EMPLOYEES AT A CERTAIN PERCENTAGE OF THE EMPLOYEES' MONTHLY SALARY. IF TWA HAS INSTITUTED SUCH A FUND, TERMINATION OF ALL OF ITS EMPLOYEES WOULD IMPLY LIQUIDATION OF THE FUND IN A LUMP SUM PAYMENT TO THOSE EMPLOYEES.

4. BOTH PAN AM AND TWA, APPARENTLY ACTING ON ADVICE OF THEIR HEAD OFFICES, REFUSED TO OFFER ANY ASSISTANCE TO EMBASSY IN PREPARATION OF THIS REPORT. AS A PRETEXT FOR NON-COOPERATION TWA CLAIMED THAT DATA FOR COMPANY-SPONSORED SURVEY ON THE SAME PROBLEM WAS BEING GATHERED IN ANOTHER LOCATION WHILE PAA SAID THAT SINCE THE AIRLINE HAD NO IN-LIMITED OFFICIAL USE

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TENTION OF SHUTTING DOWN OPERATIONS IN BANGKOK DATA REQUESTED BY THE EMBASSY WAS IRRELEVANT.
KINTNER

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Message Attributes

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Decaption Date: 01 JAN 1960
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Disposition Authority: MorefiRH
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
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